IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER TWO THOUSAND AND FOUR

PRESENT
HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL No.1361 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/04/2004 in WP No.2164 of 2004 on the file of the High Court.)

Between:

Thunga Sujatha,
W/o T. Sankaraiah,
R/o Opp: LML Show Room,
Chitvel Road, Railway Kodur Town,
Railway Kodur Mandal,
Kadapa District.

.....
APPELLANT

AND

1 The Panchayat Secretary, Railway Kodur Panchayat, Railway Kodur Mandal, Kadapa District.
2 The District Panchayat Officer, Kadapa.
3 The District Collector, Kadapa District at Kadapa.
4 The Mandal Revenue Officer, Railway Kodur Mandal, Kadapa District.

.....RESPONDENTS

Counsel for the Appellant : Mr. K.SANKARAIAH
Counsel for the Respondents :Govt.Pleader for Panchayat Raj and Rural Development &
Mr. D.Srinivas, standing counsel for

The Court made the following :

JUDGMENT: (Per Hon'ble the Chief Justice)

Writ petitioner is aggrieved by the order passed by the learned single Judge in disposing of the writ petition. Writ petitioner questioned the legality and validity of the notice dated 08-12-2003 alleged to have been served by the Panchayat Secretary, Kodur Gram Panchayat, Kadapa district, pointing out that petitioner appellant was making illegal construction and therefore, the same is liable to be demolished. *Status quo* order was passed by the Court at the time of admission of writ petition. Counter-affidavit was filed by respondent No.1 in which it is stated that no notice has been issued to the petitioner appellant under Sections 96, 98, 121 and 271 of Andhra Pradesh Panchayat Raj Act, 1994. It was pointed out in the reply affidavit that on 01-03-2004, notice was issued by the first respondent directing the petitioner appellant to stop the construction work since construction work was being continued without proper approval.

Learned single Judge disposed of the appellant's writ petition and other writ petitions pointing out that petitioners had approached the court with unclean hands stating that notices were

issued when there were no such notices issued and the stand taken by respondent No.1 is that in spite of notice dated 01-03-2004, petitioners were proceeding with the constructions and thus, learned single Judge disposed of the writ petitions including the writ petition of the appellant observing that if the petitioners proceed with the construction, it will be open to the Gram Panchayat to issue necessary notice calling upon them to stop construction or encroachment, if any, and if any such action is initiated, the appellant can avail of remedies as available to them in law. With such type of orders where liberty is reserved to the appellant to avail the remedies in accordance with law, we do not see any ground to entertain this appeal.

The writ appeal is therefore dismissed.

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DEVINDER GUPTA, C.J.

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C.V.RAMULU, J

22-09-2004

bsc

To

1 The Panchayat Secretary, Railway Kodur Panchayat,
Railway Kodur Mandal, Kadapa District.
2 The District Panchayat Officer, Kadapa.
3 The District Collector, Kadapa District at Kadapa.
4 The Mandal Revenue Officer, Railway Kodur Mandal,
Kadapa District.
5 2 CCs to Govt. Pleader for Panchayat Raj and Rural Development,
High Court buildings, Hyderabad (OUT)
6. 2 C.D. copies